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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: )  
: Examiner: M. Brooke  
AKITOSHI YAMADA, et al. )  
: Group Art Unit: 2853  
Application No.: 09/070,920 )  
:   
Filed: May 4, 1998 )  
:   
For: PRINT CONTROL BASED )  
ON PRINT HEAD )  
TEMPERATURE : September 1, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE COMMUNICATION AND  
SUPPLEMENTAL RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Sir:

This is in response to the Office Communication dated August 18, 2004. In the Office Communication, it was indicated that Applicants' Response To Restriction Requirement filed on June 21, 2004, although being a bona fide reply, omitted responding to an election of species requirement included in the Office Action dated May 21, 2004. However, as will be discussed below, Applicants believe the foregoing response was fully responsive to the Office Action and that no election of species was necessary.

In this regard, the May 21, 2004 Office Action included a Restriction Requirement between four groups of claims as follows:

Group I: Claims 1 to 4, 6, 30 to 33, 35, 59 to 62, 64, 88 and 89.

Group II: Claims 7, 9, 36, 38, 65, 67 and 90.

Group III: Claims 10 to 18, 39 to 47, 68 to 76 and 91.

Group IV: Claims 19 to 29, 48 to 58, 77 to 87, 92 and 93.

Of the foregoing groups, the claims of Groups I and IV were elected for prosecution, with traverse, and that election and traversal is hereby confirmed again.

The Office Action also included an Election Of Species Requirement in which it was indicated that the application includes sub-species of 1) how a parameter is obtained, and 2) when the predetermined process occurs. With regard to 1), the application required an election between species 1A) parameter is obtained by calculation, and species 2A) parameter is obtained by measurement. With regard to 2), the Office Action required an election between species 1B) occurs in next print job, species 2B) occurs at next power-on, and species 3B) occurs at end of current print job. In the June 21, 2004 response, Applicants did not elect any of the foregoing species because none of the elected claims of Groups I and IV read on any of the identified species.

In more detail, as can clearly be determined from a reading of the claims, the foregoing species read on the claims as follows:

Species 1A: Claims 11, 40 and 69

Species 2A: Claims 12, 41 and 70

Species 1B: Claims 13, 42 and 71

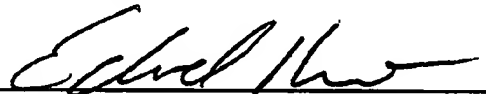
Species 2B: Claims 14, 43 and 72

Species 3B: Claims 15, 44 and 73

Thus, it can clearly be seen that the Election Of Species Requirement included in the May 21, 2004 Office Action relates entirely to the claims of Group III. Thus, since the claims of Groups I and IV were elected for prosecution, and since none of the claims of Groups I and IV read on any of the identified species, no election of a species could possibly have been made. Accordingly, it was not necessary or even possible for Applicant to elect any of the identified species and therefore, none was made. Should the Examiner find contrary to the foregoing, then Applicants respectfully request that the Examiner set for a more detailed election requirement in a new Office Action.

Applicants' undersigned attorney may be reached in our California office by telephone at (714) 540-8700. All correspondence should be directed to our below listed address.

Respectfully submitted,



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